**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**
**CHAMBER SUMMONS NO. 1576 OF 2006**
**IN**
**SUMMARY SUIT NO. 1954 OF 2006**

M/s Navinbhai Cables Pvt. Ltd. .... Plaintiff
Versus
Shri Dattajirao Gajananrao Jhavare Patil .... Defendant

Mr. Jayesh Bhatt for Plaintiff.
Mr. Vivek Salunke for Defendant

**CORAM : SMT. R.S. DALVI, J.**
**DATE : 2ND FEBRUARY 2007**

P.C.

1) This chamber summons is for condonation of delay of 83 days in filing the appearnce. The only reason that is given is that the defendant was not keeping well and was advised complete bed rest. The chamber summons has been taken out on 4/12/2006, when the suit was kept on board for exparte decree. The copy of the medical certificate which is annexed at Exhibit ‘A’ to the chamber summons has not been served upon the plaintiff’s Advocate in the copy of the Affidavit in support of the chamber summons served upon the plaintiff’s Advocate. The copy has been served on 29/1/2007 though the chamber summons was taken out since 4/12/2006 and registered on 7/12/2006.

2) The medical certificate is rather un-intelligible. The defendant’s Advocate states that the plaintiff was ailing from a foot disorder. No medical reports or medical treatment taken by the defendant is produced. The ailment of the defenant during the period after August 2006 when the summons was served is not shown. The chamber summons totally lacks bonafides and is taken out only to delay the exparte decree which would otherwise be passed in the suit by now. However, to consider the defendant’s defence on merits, one last opportunity be given to the defendant to enter his appearance upon paying costs of this chamber summons fixed at ex.1500/- condition precedent.

**(SMT. R.S. DALVI,J.)**